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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,940	11/26/2003	Sung Tae Kim	04086-P0001A	9630
24126	7590	05/18/2005		
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619				
			EXAMINER	
			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,940	Applicant(s) KIM, SUNG TAE	
	Examiner Nini F. Legesse	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-26 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,7,8,9,10,11,20,21,22,23,24,25,and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lederer (US Patent No. 2,879,996) in view of Lee et al. US Patent Application Publication 2002/0128084 A1.

Regarding claims 1, 20, 21, 22, 23, 24, 25 and 26 Lederer discloses a golf practicing device comprising a stance platform (10), stance platform actuator (34, 44, 50), a ball platform (12), and a ball platform actuator (46, 48,50). However Lederer fails to disclose the use of a controller for selective adjustment of the platforms. Lee teaches the use of a controller (610) in a golf-training device. Lee's controller comprises user interface (620), and movement control buttons (see keypad 620 on Fig. 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lederer's training device with a controller as taught by Lee in order to provide an inclination-adjustable golf training device that is capable of achieving a precise inclination adjustment as stated in paragraph 22 of the Lee reference. In addition, providing the Lederer device with a controller would modernize the Lederer's device.

Regarding claim 2, Lederer's device has four lifts (390).

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Regarding claim 3, Lee's device is a motor-driven screw lift (the embodiment shown on Figs 12-16 discloses screw lift, see page 5).

Regarding claim 7, Lee's four lifts are fluid-actuating lifts (hydraulic cylinders 390).

Regarding claim 8, the stance and ball platforms of Lederer include base members (14,18) and upper members (56) and the actuators are respectively disposed between the base and upper members (see Figs. 1-3).

Regarding claim 9, the platform supports the weight of a golfer (see column 2 line 3).

Regarding claims 10 and 11, the platforms of Lederer have mats that include artificial grass (66).

Regarding claims 12-19, Lederer fails to disclose a delivery channel connected to a golf ball delivery hole, and a tee. However, Lee discloses the use of a delivery channel connected to a golf ball delivery hole, and a tee (see paragraph 78 on page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Lederer device with a ball delivery channel, hole and tee as taught by Lee in order maximize the time of practice for the golfer.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Oxley et al. (US 5,720,670).

The reference as applied to claim 1 fail to show a motor-driven screw lift that includes four links connected in a parallelogram form to a motor including first and second brackets. Oxley discloses a motor-driven screw lift that includes four links

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connected in a parallelogram form to a motor (see Fig. 3 and see column 6, lines 30+) including first and second brackets (as shown on Fig. 3, the middle connecting elements attached to the screw element are considered as first bracket and the bracket attaching the links to element 66 is considered as a second bracket). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Lederer's device with motor-driven screw lift as taught by Oxley in order to provide a device that is easier to adjust and use.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record disclose a motor-driven screw lift that includes a spring disposed between the first and second brackets, when affixed in the manner claimed in combination with the other recited features.

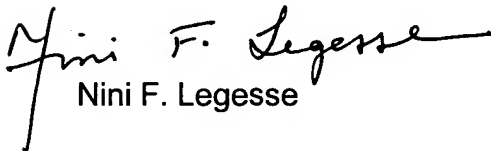
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nini F. Legesse

05/13/05